



Entered on Docket
April 01, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
URBAN HOUSING ALLIANCE – 435
LOFTS LOAN**

Hearing Date: March 25, 2008

Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Second Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Urban Housing Alliance – 435 Lofts Loan (the "Objection") [DE 5865]. Adequate notice of the Objection was given. The Court heard the Objection on March 25, 2008. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they are based upon an investment in the Urban Housing Alliance – 435 Lofts Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the Urban Housing Alliance – 435 Lofts Loan; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**URBAN HOUSING LOAN
SECOND OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Urban Housing Loan
10725-02038	Collins Family Trust Dated 1/29/93	c/o Shirley M. Collins Trustee 1975 Snowberry Court Carlsbad, CA 92009-8408	\$880,190.24	\$100,000.00
10725-02364	Eric C. Disbrow M.D. Inc. Profit Sharing Plan	Eric C. Disbrow Ttee 3840 Fairway Drive Cameron Park, CA 95682	\$447,567.00	\$50,000.00
10725-02404	Eric B. and Linda P. Freedus Jt. Ten.	5008 Nighthawk Way Oceanside, CA 92056	\$304,419.00	\$50,000.00
10725-02099	Janice Janis Living Trust Dtd 2/3/99	c/o Janice Janis Ttee 406 Pearl Street Boulder, CO 80302-4931	\$202,956.24	\$50,000.00
10725-00500	Everett H. Johnston Family Trust Dtd 1/24/90	c/o Everett H. Johnston Trustee P.O. Box 3605 Incline Village, NV 89450-3605	\$668,305.12	\$100,000.00
10725-02256	James H. Lidster Family Trust Datd 1/20/92	James H. and Phyllus M. Lidster Ttees P.O. Box 2577 Minden, NV 89423	\$602,096.29	\$50,000.00
10725-02051	Carol Mortensen Family Trust Dtd 9/9/90	c/o Carol Mortense Ttee 4847 Damon Circle Salt Lake City, UT 84117	\$172,875.49	\$50,000.00
10725-01175	John Nix	836 Temple Rock Court Boulder City, NV 89005	\$710,937.34	\$80,000.00
10725-01923	John E. and Sonhild A. O'Riordan	2745 Hartwick Pines Drive Henderson, NV 89052-7002	\$1,738,252.26	\$270,000.00
10725-02149	Schnitzer Living Trust Dtd 10/24/91	Arthur F. and Linn S. Schnitzer Ttees 20155 N.E. 38th Court, #1604 Aventura, FL 33180	\$1,774,903.40	\$100,000.00